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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DISTRICT COUNCIL 16 NORTHERN  
CALIFORNIA HEALTH AND WELFARE  
TRUST FUND, et al.,

Plaintiffs,

v.

ADVANCED CONCRETE TECHNOLOGIES,  
INC., aka ADVANCED CONCRETE TECH,  
INC., and MATTHEW SCOTT RAINES,

Defendants.

Case No.: C08-4430 WHA

**REQUEST FOR EXTENSION TO FILE  
MOTION FOR DEFAULT JUDGMENT  
OR FIRST AMENDED COMPLAINT;  
AND DECLARATION OF SHAAMINI A.  
BABU IN SUPPORT THEREOF**

Date: February 26, 2009

Time: 8:00 a.m.

Ctrm: 9, 19<sup>th</sup> Floor

Judge: The Honorable William Alsup

1. This is an action brought to recover delinquent fringe benefit contributions owed to the Plaintiffs by Defendants, as authorized by a collective bargaining agreement and Trust Agreement incorporated therein as well as the Employee Retirement Income Security Act.

2. Default was entered against Defendants on January 9, 2009.

3. On December 24, 2008, I ordered records relating to Defendants from the California Secretary of State to make certain determinations as to Defendants status, which would be the basis for how Plaintiffs would proceed in this action. For that reason, Plaintiffs had requested that the Case Management Conference scheduled for January 7, 2009, be continued.

4. The date was not continued, and at the Case Management Conference held on January 7, 2009, the Court granted leave for Plaintiffs to file a Motion for Default Judgment by February 12, 2009.

1           5.       **I only recently received the records ordered from the Secretary of State on**  
2 **January 26, 2009.** Thereafter, I reviewed the records, conducted additional research, and further  
3 evaluated Plaintiffs' claims.

4           6.       I was at an out-of-state conference from February 7, 2009, through February 10,  
5 2009.

6           7.       I contacted Plaintiffs to discuss the Secretary of State records as well as related  
7 information and research, which alerted Plaintiffs to additional relevant issues. Plaintiffs are  
8 conducting further investigation regarding an entity that may be **a necessary party** to this action.  
9 Plaintiffs have not yet received all relevant information and completed all investigations.

10          8.       As a result, Plaintiffs are unable to file a Motion for Default Judgment until further  
11 investigation is complete.

12          9.       Based on the foregoing, Plaintiffs respectfully request the Court to grant an  
13 extension of sixty (60) days for Plaintiffs to file their Motion for Default Judgment, and  
14 accordingly continue the hearing, or to file a First Amended Complaint, so that Plaintiffs have  
15 sufficient opportunity to obtain the necessary additional information relevant to said motion or to  
16 amend the Complaint.

17 Dated: February 12, 2009

SALTZMAN & JOHNSON  
LAW CORPORATION

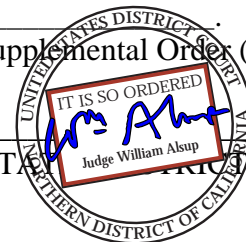
18  
19 By: \_\_\_\_\_/S/\_\_\_\_\_  
20 Shaamini A. Babu  
Attorneys for Plaintiffs

21 IT IS SO ORDERED.

22       The First Amended Complaint or Motion for Default Judgment shall be filed on or before  
23 March 12, 2009. The hearing for the Motion for Default Judgment, if applicable,  
24 shall be set ~~for~~ \_\_\_\_\_ ~~at~~ \_\_\_\_\_  
pursuant to Civ. Local. Rule 7 and the Supplemental Order (Dkt. No. 8)

25 Date: February 13, 2009

26 UNITED STATES DISTRICT COURT JUDGE  
27  
28



PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 9410e.

On February 12, 2009, I served the following document(s):

**REQUEST TO FOR EXTENSION TO FILE MOTION FOR DEFAULT JUDGMENT OR  
FIRST AMENDED COMPLAINT; AND DECLARATION OF SHAAMINI A. BABU IN  
SUPPORT THEREOF**

on the interested parties in said action by First Class U.S. Mail by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

<b>Advanced Concrete Technologies, Inc., aka</b>	<b>Matthew Raines</b>
<b>Advanced Concrete Tech, Inc.</b>	<b>1539 3<sup>rd</sup> Avenue, Suite C</b>
<b>1539 3<sup>rd</sup> Avenue, Suite C</b>	<b>Walnut Creek, California 94597</b>
<b>Walnut Creek, California 94597</b>	

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 12<sup>th</sup> day of February, 2009, at San Francisco, California.

\_\_\_\_\_/s/\_\_\_\_\_  
Vanessa de Fábrega